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CLERK-LAS CRUCES

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

RUDY GARCIA,

Defendant.

CRIMINAL NO. 22CR1060RB

Count 1: 21 U.S.C. § 846: Conspiracy;

Count 2: 21 U.S.C. §§ 841(a)(1) and
(b)(1)(C): Distribution of Fentanyl (N-phenyl-
N-[1-(2-phenylethyl)-4-piperidinyl]
propanamide); 18 U.S.C. § 2: Aiding and
Abetting;

Count 3: 18 U.S.C. § 924(c)(1)(A)(ii): Using,
Carrying, and Brandishing a Firearm During
and in Relation to a Drug Trafficking Crime;
and Possessing and Brandishing a Firearm in
Furtherance of Such Crime;

Count 4: 18 U.S.C. §§ 924(c)(1)(A)(iii) and
924(j)(1): Using a Firearm During and in
Relation to a Drug Trafficking Crime;
Discharging Said Firearm; and Causing Death
Through Use of Said Firearm;

Count 5: 18 U.S.C. §§ 922(g)(1) and 924:
Felon in Possession of a Firearm and
Ammunition.

INDICTMENT

The Grand Jury charges:

Count 1

On or about January 25, 2022, in Doña Ana County, in the District of New Mexico, and elsewhere, the defendant **RUDY GARCIA**, unlawfully, knowingly, and intentionally combined, conspired, confederated, agreed, and acted interdependently with other persons whose names are known and unknown to the Grand Jury to commit an offense defined in 21 U.S.C. § 841(a)(1),

specifically, distribution of a controlled substance.

Type and Quantity of Controlled Substances Involved in the Conspiracy

With respect to **RUDY GARCIA**, the amount of fentanyl involved in the conspiracy attributable to him as a result of his own conduct, and the conduct of other conspirators reasonably foreseeable to him, is a mixture and substance containing a detectable amount of fentanyl, contrary to 21 U.S.C. §§ 841(a)(1) and (b)(1)(C).

In violation of 21 U.S.C. § 846.

Count 2

On or about January 25, 2022, in Doña Ana County, in the District of New Mexico, the defendant, **RUDY GARCIA**, unlawfully, knowingly, and intentionally distributed a controlled substance, and the offense involved a mixture and substance containing a detectable amount of fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidiny] propanamide).

In violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(C), and 18 U.S.C. § 2.

Count 3

On or about January 25, 2022, in Doña Ana County, in the District of New Mexico, the defendant, **RUDY GARCIA**, knowingly used, carried, and brandished a firearm, during and in relation to a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, specifically, conspiracy to distribute a controlled substance as charged in Count 1 of this indictment, and distribution of a controlled substance as charged in Count 2 of this indictment, and in furtherance of such crime, possessed and brandished said firearm.

In violation of 18 U.S.C. § 924(c)(1)(A)(ii).

Count 4

On or about January 25, 2022, in Doña Ana County, in the District of New Mexico, the defendant, **RUDY GARCIA**, knowingly used a firearm during and in relation to a drug trafficking crime for which the defendant may be prosecuted in a court of the United States, specifically, conspiracy to distribute a controlled substance as charged in Count 1 of this indictment, and distribution of a controlled substance as charged in Count 2 of this indictment, said firearm was discharged, and in the course of said offense the defendant caused the death of John Doe through the use of said firearm, which killing is a murder as defined in 18 U.S.C. § 1111.

In violation of 18 U.S.C. §§ 924(c)(1)(A)(iii) and 924(j)(1).

Count 5

On or about January 25, 2022, in Doña Ana County, in the District of New Mexico, the defendant, **RUDY GARCIA**, knowing that he had been convicted of at least one crime punishable by imprisonment for a term exceeding one year, specifically:

- (1) theft of debit card, and
- (2) credit card or debit card abuse;

knowingly possessed a firearm and ammunition in and affecting commerce.

In violation of 18 U.S.C. §§ 922(g)(1) and 924.

FORFEITURE ALLEGATION

Upon conviction of any offense in violation of 18 U.S.C. §§ 922(g) or 924(c), the defendant, **RUDY GARCIA**, shall forfeit to the United States, pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), any firearms and ammunition involved in the commission of the offense, including, but not limited to:

- a. a Maverick Arms, model 88, 12-gauge shotgun, bearing serial number MV91507L; and
- b. twenty-seven rounds of 12-gauge shotgun ammunition.

A TRUE BILL:

/s/

FOREPERSON OF THE GRAND JURY



Assistant United States Attorney


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